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Atty. Docket No.: 0013-011P1

Claim 1:

Claim 1 currently recites:

1. A computer system for verifying a commercial transaction between an account-holder and a merchant, said computer system comprising:  
a processing unit for processing data and code; and  
a memory device for storing said data and said code,  
said code including a merchant communications module operative to facilitate a connection with said merchant for receiving a transaction approval request including a complete account number associated with said account-holder,  
said data including at least one pre-verification criteria associated with said account-holder, and  
said code further including an authorization module responsive to said transaction approval request and operative to compare said transaction approval request with said pre-verification criteria,  
to verify said transaction approval request if said at least one pre-verification criteria is satisfied, and  
to verify said transaction approval request with said account-holder if said at least one pre-verification criteria is not satisfied.

As pointed out in Applicant's prior response, Cohen does not teach an "authorization module" operative to "verify said transaction approval request with said account-holder if said at least one pre-verification criteria is not satisfied," as recited in Claim 1. However, in the current final office action, the Examiner rejects this argument as not persuasive. The Examiner writes:

Applicant argues that Cohen doesn't teach verifying the transaction approval request with said account-holder if at least one pre-qualification criteria is not satisfied. As stated above in the rejection, Cohen teaches that if a transaction is in excess of the predetermined ceiling then the transaction is subject to verification (col. 9, lines 65 to col. 10, lines 1-3. In this case, Cohen does not automatically decline the particular transaction but verifies the identity of the card-holder for this large transaction that doesn't meet the pre-transaction requirements. (emphasis added)

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The passage of Cohen cited by the Examiner states:

In this embodiment, if a transaction is attempted with any one card which is in excess of the predetermined ceiling for a single card, the card use can be temporarily blocked or subject to verification of identity, to verify that the card was not stolen and being used illegally for large transactions.

Applicant does not disagree with the Examiner's interpretation of this passage. As the Examiner indicates, if a transaction is in excess of the predetermined ceiling, "Cohen does not automatically decline the particular transaction but verifies the identity of the card holder for this large transaction that doesn't meet the pre-transaction requirements." (emphasis added) What is being verified is the identity of the person trying to use the card for the transaction.

Claim 1, however, does not claim verifying the identity of a cardholder attempting a transaction. Instead, Claim 1 recites "an authorization module responsive to said transaction approval request and operative ... to verify said transaction approval request with said account-holder if said at least one pre-verification criteria is not satisfied." According to Claim 1, the authorization module verifies the transaction approval request with the account-holder. In contrast, according to Cohen an unspecified entity (presumably a merchant requesting an approval) verifies the identity of another unspecified entity (presumably an individual trying to use the card to pay the merchant).

When comparing the cited passage of Cohen with the claimed invention, it is clear that there are different entities verifying different things. First, according to Claim 1, the authorization module of the computer system is doing the verifying, whereas in Cohen it would appear to be a merchant doing the verifying. Second, according to Claim 1, the computer system verifies the transaction approval request, whereas according to Cohen the card-holder's identity is verified. Therefore, Cohen does not teach the invention of Claim 1.

For the reasons set forth above and the reasons provided in Applicant's prior response, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 1.

Claims 2-12 depend either directly or indirectly from Claim 1 and are, therefore, distinguished from the cited prior art for at least the reasons provided above with respect to Claim 1.

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Claim 13:

Claim 13 recites (in part): "verifying said transaction approval request with said account-holder if said pre-verification criteria are not met." As indicated above with respect to Claim 1, the cited reference does not teach this aspect of the claimed invention. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 13.

Claims 14-36 depend, either directly or indirectly, from Claim 13 and are, therefore, distinguished over the cited reference for at least the same reasons as Claim 13.

For the above reasons Applicants request reconsideration and withdrawal of the rejections under 35 U.S.C. § 102.

Examiner Interview

Applicant's attorney, Larry E. Henneman, Jr., has discussed the foregoing distinctions between the pending claims and the Cohen reference with Examiner Raquel Alvarez via telephone. It appeared to Applicant that Examiner Alvarez understood and appreciated the distinctions described above between the verification of a transaction with an account-holder (Claim 1) and the verification of the identification of a card-holder (Cohen). However, Examiner Alvarez expressed concern over another passage of the Cohen reference. Therefore, while there are no current rejections of record over the newly cited passage, Applicant will address the passage in order to expedite the prosecution of this application.

The passage with which the Examiner is concerned reads as follow:

Likewise, a preapproval can be required before every purchase or before certain purchases, such as purchases over a certain limit, or purchases of a certain type. (Col. 10, Lines 59-62)

The issue is whether this passage teaches an "authorization module" operative to "verify said transaction approval request with said account-holder if said at least one pre-verification criteria is not satisfied," as recited in Claim 1. Applicant respectfully asserts that it does not.

This passage states only that a preapproval can be required for certain purchases. Although the reference does not provide any further details, presumably, the card-holder would need to contact the credit card company to preapprove a particular transaction prior to making

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the transaction. Transactions meeting certain criteria would require preapproval and, therefore, if the preapproval had not been made, it logically follows that the transaction would be denied.

The preapproval process of Cohen is exactly the opposite of the pre-verification process of the present invention. According to the present invention, pre-verification criteria are used to identify transactions that do not require individual verification by the account-holder. In contrast, according to Cohen, criteria are used to identify transactions that do require preapproval. Thus, even if the Examiner construes the terms "pre-verification" and "preapproval" to mean the same thing, which Applicant asserts they do not, Cohen still does not teach the claimed invention.

#### General Comments Regarding the Cohen Reference

Applicant notes that in responding to rejections over the Cohen reference, it has been somewhat difficult to determine exactly what that reference teaches. This is because the reference in most cases fails to provide any details whatsoever. In particular, Applicant notes that there is only one drawing of a flow chart that is unrelated to Applicant's present invention. There are no drawings of computer systems, data structures, communications channels, hardware or software modules, or flow charts relevant to Applicant's invention. Indeed, the sole flow chart depicted in Cohen is not even directed to an embodiment claimed in Cohen's patent.

It is virtually impossible to determine how the supposed inventions of Cohen could be implemented. Instead, the reference reads like a wish list of credit card features. For these reasons, Applicant respectfully objects to the use of Cohen as a reference, because Cohen is a non-enabling disclosure, at least with respect to Applicant's claims.

#### Notice of Appeal

Applicant understands that this Request for Reconsideration is being filed four months after a final Office Action. Therefore, in order to provide the Examiner with adequate time to consider the arguments advanced herein, a Notice of Appeal is filed herewith.

Applicant further requests an interview with the Examiner, once the Examiner has had an opportunity to consider this filing, but soon enough so that Applicant has sufficient time to prepare an appeal brief if necessary.


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Finally, Applicant acknowledges and appreciates the cooperative spirit of the Examiner thus far in the prosecution of this application and welcomes any suggestions or constructive assistance the Examiner may be able to offer.

For the foregoing reasons, Applicant believes that Claims 1-36 are in condition for allowance. Should the Examiner undertake any action other than allowance of Claims 1-36, or if the Examiner has any questions or suggestions for expediting the prosecution of this application, the Examiner is requested to contact Applicant's attorney at (269) 279-8820.

Respectfully submitted,

Date: 6/14/05

  
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**CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via facsimile, on the date shown below, to: MS: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, at (703) 872-9306.

Date: 6/14/05

  
Larry E. Henneman, Jr.